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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,878	01/30/2001	Sachiko Hiyoshi	010031	9017

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ARMSTRONG, WESTERMAN & HATTORI, LLP
1725 K STREET, NW.
SUITE 1000
WASHINGTON, DC 20006

EXAMINER

WEINSTEIN, STEVEN L

ART UNIT	PAPER NUMBER
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1761

DATE MAILED: 10/04/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771878

Applicant(s)

HIYOSHI

Examiner

S. WEINSTEIN

Group Art Unit

1761

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 1/30/01
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-5 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-5 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☒ Some* ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2+5
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

Art Unit: 1712

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwata (JP 8-183570).

In regard to claims 1 and 2, Iwata discloses a packaged food comprising a container and moisture containing food, the container having a surface of plastic sheet and at least one vent hole (8) being formed in a surface and wherein the vent hole is sealed by an adhesive hole-sealing sheet (10). Claim 1 further recites that the adhesive sheet has one strength at one range and a second, lower strength at a high temperature range. As disclosed, this allows the adhesive sheet to maintain its seal over the hole at low, storage temperatures but to release its seal at the higher cooking temperatures so that the package vents before it ruptures. Applicant appears to disclose that a temperature dependent adhesive cover sheet/ valve is more effective than what applicant states was the prior art (wherein the adhesive cover sheet was pressure dependent). Contrary to what has been urged by applicant, applicant is not the first to employ a temperature dependent adhesive cover sheet over a vent hole. Iwata teaches an adhesive hole-sealing sheet wherein the adhesive bonds up to a certain temperature (somewhere in the range of 80-100⁰ C) and then becomes less adhesive when the temperature exceeds the specific temperature. Thus, like applicant, Iwata discloses an adhesive hole-sealing sheet wherein the adhesive strength weakens above a certain temperature and thus allows for venting. Claim 1 recites particular

Art Unit: 1712

adhesive strength ranges and particular temperature ranges. Once it is known to provide a ventable, ovenable container wherein the ovenable container is provided with an adhesive hole-sealing sheet such that the adhesive maintains its adhesiveness up to a certain cooking/ heating temperature (and then allows the hole to vent), the particular adhesive strength and the related temperatures, if not already disclosed by Iwata, would have been an obvious routine determination and an obvious function of the type of food, its size, degree of heating desired, etc. A rough oral translation of Iwata appears to indicate an "adhesiveness" of 200-400 gr/20mm at "ordinary" temperature but that the "adhesiveness" falls "remarkably" at about 70-100 degree C to 50-0 gr/20mm. That is, what Iwata appears to be saying is that at some temperature about 70 degree, the adhesive strength weakens significantly and the package vents. This appears to be what applicant recites. The examiner would welcome a complete English translation of this patent, which appears to be in applicant's native tongue. In any case, the examiner will attempt to obtain one on his own.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwata as applied to claim 1 above, and further in view of Mizuno (5,989,608) and Tanno et al (JP 2000-25849).

Claims 3 and 4 recite that the vent hole is formed in the vicinity of the center of a surface portion of a side of the container and that the adhesive layer has an uneven width. It cannot be determined at this time whether Iwata discloses these two structural relationships or not. In any case, both Mizuno and Tanno et al disclose the conventionality of centrally located vent holes as well as uneven adhesive widths and to modify Iwata and substitute, if necessary, one conventional structural expedient for another conventional structural expedient for its art

Art Unit: 1712

recognized and applicant's intended function would therefore have been obvious. In regard to claim 5, Iwata appears to disclose white chemical paper ("synthetic papers such as paper polypropylene". Therefore, applicant appears not to be the inventor of the conventional structural material.

The remainder of the references cited on the USPTO 892 form are cited as pertinent art.


It is noted that references, whether abstracts or complete texts, that state that the pressure causes venting could very well be relying on the weakening of an adhesive at higher temperatures to allow for the pressure to then force the cover film, held by the weakened adhesive, to vent the package.

Any inquiry concerning this communication from the examiner should be directed to Steven Weinstein whose telephone number is 703 308-0650. The examiner can generally be reached on Monday-Friday from 7:00 a.m. to 3:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 703 308-3959. The fax phone numbers for the organization where this application is assigned are 703 305-7718 for regular communications and 703 305-7718 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0661.

Examiner Weinstein/ng
October 2, 2002


STEVE WEINSTEIN
PRIMARY EXAMINER 1761
10/3/02